

REMARKS

Request to Withdraw Finality of the Office Action

Applicant respectfully requests withdrawal of the finality of the office action mailed January 8, 2007 (the Office Action). The Office Action was improperly designated as a 'final' office action, at least because U.S. patent no. 5,800,268 to Molnick (Molnick) was applied as a new ground of rejection to independent claims 28 and 41 that was not necessitated by any amendments.

Independent claims 28 and 41 were rewritten in independent form in the previous amendment to include the subject matter of their respective base claim and any intervening claims. However, these claims were not substantively amended in the previous office action. Thus, the outstanding office action should be designated as 'non-final' due to the application of Molnick as a new ground of rejection to claims 28 and 41.

Accordingly, Applicant respectfully requests that the Office Action be formally designated as a 'non-final' office action.

Examiner Interview

Applicant thanks Examiner Bautista for the courtesies extended to the undersigned during the telephonic interview of February 21, 2007. As agreed during the interview, the office action mailed January 8, 2007 was improperly designated as a 'final' office action, at least because U.S. patent no. 5,800,268 to Molnick (Molnick) was applied as a new ground of rejection to independent claims 28 and 41 that was not necessitated by any amendments.

Applicant is treating the Office Action as a 'non-final' office action in accordance with the examiner's instructions during the February 21st teleconference.

Response to the outstanding office action

The office action of January 8, 2007 has been reviewed and these remarks are responsive thereto. Reconsideration and allowance of the instant application are respectfully requested.

Claims 1-4, 6 and 9-46 are pending in the application. By this amendment, new claims 45 and 46 have been added. Reconsideration and allowance of the instant application are respectfully requested.

Claims 1, 4, 6, 9-12 and 14-43 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. patent no. 6,058,379 to Odom et al. (Odom) in view of U.S. publication no. 2002/0049833 to Kikinis (Kikinis), further in view of U.S. patent no. 6,110,041 to Walker et al. (Walker), and further in view of U.S. patent no. 5,800,268 to Molnick (Molnick).

Claim 2 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Odom, Kikinis, Walker, Molnick and further in view of U.S. patent no. 5,764,913 to Jancke et al. (Jancke).

Claim 3 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Odom, Kikinis, Walker, Molnick and further in view of U.S. patent no. 6,712,702B2 to Goldberg et al. (Goldberg).

Claims 4 and 13 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Odom, Kikinis, Walker, Molnick and further in view of U.S. patent no. 5,848,396 to Gerace (Gerace).

Claim 44 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Odom, Kikinis, Walker, Molnick and further in view of U.S. patent no. 5,762,552 to Vuong et al. (Vuong).

Reconsideration and allowance of these claims are respectfully requested.

Claims 14-23 and 30

Independent claims 14, 19 and 30 each recite subject matter pertaining to automatically recognizing transmission and reception capabilities of a client. At least this subject matter as recited in independent claims 14, 19 and 30 is not taught or suggested by the cited prior art. As noted in the specification as a potential feature for an example embodiment, betting provider 150 “automatically recognizes the type of terminal used by a user.” Paragraph 59, lines 2-3.

The Office Action asserts, “Kikinis teaches that the translation of the web page and its transmission is in accordance to the capabilities of the client device.” Office Action, page 3.

However, the Office Action does not assert, and Kikinis fails to disclose, the claimed subject matter of automatically recognizing transmission and reception capabilities of a client.

In contrast, Kikinis teaches that either the user must identify the type and functionality of the client device, which is matched to the user's log-in ID, or the "user's device transfers the list of available features to the enhanced server." Kikinis, page 9, paragraph 108, lines 7-8. In other words, Kikinis teaches that the user pre-identifies the functionality of the client device, which is tied to his log-in ID, or the user's device must identify its functionality to the enhanced server of Kikinis. Kikinis clearly fails to teach the inventive subject matter of automatically recognizing the transmission and reception capabilities of the client as recited in independent claims 14, 19 and 30. Neither Odom, Walker nor Molnick, either alone or in combination, overcome these deficiencies of Kikinis, nor were they relied upon to do so.

For at least these reasons, Applicant respectfully submits that independent claims 14, 19 and 30, and claims 15-18 and 20-23 depending therefrom, are allowable over the cited prior art.

Claims 1, 4, 6, 9-27, 29, 30 and 44

Independent claim 1, as amended, recites an apparatus that includes two interfaces. One provides real-time interactive content and the other simultaneously provides information pertinent to the real-time interactive content. In particular, the apparatus of independent claim 1 includes an interactive services user interface for providing real-time interactive content and a response user interface for providing information pertinent to the real-time interactive content to the client simultaneously with the real-time interactive content provided via the interactive services user interface. Further, claim 1 recites that the "response user interface is configured to display said pertinent information according to the preferences of the user." Emphasis added.

Similarly, independent claims 14, 19 and 30 each recite the subject matter of personalizing the real-time interactive content according to the preferences of the user and simultaneously transferring configured real-time interactive content to the interactive services user interface and the pertinent information to the response user interface.

At least this inventive subject matter of independent claims 1, 14, 19 and 30 is not taught or suggested by the cited prior art.

The Office Action correctly notes that neither Odom, Kikinis nor Walker “teach two interfaces, one providing realtime interactive content and the other simultaneously providing information pertinent to the realtime interactive content.” Office Action, page 5, lines 1-3. The Office Action asserts that Molnick provides these teachings.

However, Molnick fails to disclose two interfaces including an interactive services user interface as recited in independent claims 1, 14, 19 and 30. Rather, Molnick teaches that a player accesses an interface station 20 to receive non-interactive video feed from a casino. The user initially “enters the access phone number for the particular casino at which he wishes to play” (col. 4 lines 25-26) to receive “video (and optionally, audio) signal from the table 52” (*id.* at lines 47-48) to which he has been assigned. The player is unable to interactively select games to play, interactively select tables from which to receive video feed, or make other interactive selections regarding the real-time video content. Instead, Molnick teaches providing non-interactive video feed to the user. Neither Odom, Walker, Molnick nor Gerace, either alone or in combination, overcome this deficiency of Molnick, nor were they relied upon to do so.

For at least this reason, Applicant respectfully submits that independent claims 1, 14, 19 and 30, as well as claims 4, 6, 9-13, 15-18, 20-27, 29 and 44 depending therefrom, are allowable over the cited prior art.

Claims 1-4, 6 and 9-43

Applicant respectfully submits that the proposed combinations of references are incompatible, at least because modifying Odom to replace its user-selectable listings with the non-interactive video feed of Molnick would destroy the intended user-selection functionality of Odom. In addition, modifying the interfaces of Molnick to permit them to adapt to the user’s preferences would destroy the intended “unique keypad” functionality of Molnick. As such, the proposed modifications of Odom in view of Molnick would not have been obvious to one of ordinary skill in the art. It is well-grounded that a proposed modification would not have been obvious if it destroys its intended function. *See e.g., In Re Gordon*, 733 F.2d 900, 221 U.S.P.Q. 1125 (Fed. Cir. 1984).

Odom provides listing information that, presumably, the Office Action equates with real-time interactive content. The user of the Odom system can interact with listing information and

particular listings, which “may be searched by fields, keywords or other search techniques.” Col. 5, lines 56-57. The Office Action proposes to modify Odom to include the two interface teachings of Molnick including its live casino game feed. However, modifying Odom to include the non-interactive casino game feed of Molnick would destroy the intended searchable interactive functionality of Odom’s listing information.

As such, the proposed modification of Odom in view of Molnick would not have been obvious to one of ordinary skill in the art. Further, it is entirely unclear how such a modification to Odom could be performed.

In addition, modifying the interfaces of Molnick to permit them to adapt to the user’s preferences would destroy the intended “unique keypad” functionality of Molnick. Molnick explicitly states that “keypad 26 is uniquely designed for use in playing a remote ‘Blackjack’ or ‘Twenty-One’ game, although the keypad 26 could be designed in such a manner as to be useful in other specific types of games.” Col. 3, lines 33-35. In other words, the keypad user interface of Molnick is game-specific rather than user-specific. Presumably, the keypad would need to be modified in order to personalize the display of pertinent information according to the preferences of the user as proposed in the Office Action, which would destroy the intended game-specific user interface functionality of Molnick.

For this additional reason, the proposed modification of Odom in view of Molnick would not have been obvious to one of ordinary skill in the art. Further, it is entirely unclear how such a modification could be performed.

For these additional reasons, Applicant respectfully submits that independent claims 1-4, 6 and 9-43 are allowable over the cited prior art.

New claims 44 and 45

New claims 44 and 45 have been added, which are supported by the application as originally filed. New claims 44 and 45 recite subject matter pertaining to configuring real-time interactive content according to first and second data transmission speeds between a server and first and second clients to ensure the first and second clients have an adequate window to respond to the real-time interactive content. Applicant respectfully submits that at least this subject matter of claims 44 and 45 is not taught or suggested by the prior art of record.

Conclusion

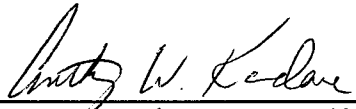
Based on the foregoing, Applicant respectfully submits that the application is in condition for allowance and a Notice to that effect is earnestly solicited. Should the Examiner believe that anything further is desirable in order to place the application in even better form for allowance, the Examiner is respectfully urged to contact Applicant's undersigned representative at the below-listed number.

Respectfully submitted,

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